

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

DEMAND FOR JURY TRIAL

1 - DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

1 BY WAY OF FURTHER ANSWER AND FIRST AFFIRMATIVE DEFENSE,
2 defendants allege:

3 3.

4 Deputy Penkava had reasonable suspicion to stop the vehicle being operated by plaintiff
5 Dennis Russell Hooper on August 16, 2011, in Rogue River, Oregon

6 BY WAY OF FURTHER ANSWER AND SECOND AFFIRMATIVE DEFENSE,
7 defendants allege:

8 4.

9 Both Deputy Penkava and Sheriff Winters are entitled to qualified immunity on
10 plaintiff's Fourth Amendment claim because neither Deputy Penkava nor Sheriff Winters
11 violated any of plaintiff's clearly established constitutional rights.

12 BY WAY OF FURTHER ANSWER AND THIRD AFFIRMATIVE DEFENSE,
13 defendants allege:

14 5.

15 The Jackson County Sheriff's Office is not an entity subject to suit nor is it a proper
16 party.

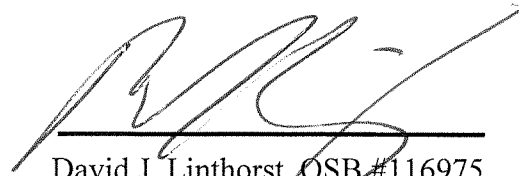
17 BY WAY OF FURTHER ANSWER AND FOURTH AFFIRMATIVE DEFENSE,
18 defendants allege:

19 6.

20 Plaintiff's Complaint fails to state a claim upon which the honorable Court can grant
21 relief.

22 WHEREFORE, having fully answered plaintiff's Complaint, defendants pray for
23 judgment in their favor, including an award of their costs, disbursements, and attorney fees
24 pursuant to 42 U.S.C. § 1988 on the grounds that some or all of plaintiff's claims against
25 defendants are frivolous in fact and/or in law.

1 Respectfully submitted, this 2nd day of October, 2013:

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5 David J. Linthorst, OSB #116975

6 linthodj@jacksoncounty.org

7 Phone: 541.774.6165

8 Fax: 541.774.6722

9 Attorney for JCSO Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL** on:

Dennis Russell Hoper
P.O. Box 2054
Rogue River, Oregon 97537
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by mailing a true and correct copy to Dennis Russell Hooper at the above listed address on October 2, 2013. It was contained in a sealed envelope, with postage paid, addressed as stated above, and deposited with the U.S. Postal Service in Medford, Oregon.



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